

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Deputy County Administrator

DATE: September 28, 2015

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Riner Public Safety Site
 2. Former Blacksburg High School
 3. Former Blacksburg Middle School
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Public Safety Building
 2. Mountain Valley Charitable Foundation –Shawsville
Middle School Athletic Facilities
 3. Gallows Dead Oak Hollow

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the “NEW RIVER VALLEY” Section of the Roanoke Times on August 28, 2015 and September 4, 2015:

1. Rezoning Request – Shah Development, LLC
Request by Shah Development, LLC (Agent: Gay and Neel, Inc.) to rezone approximately 8.01 acres from Residential Multi-Family (RM-1) to Residential (R3) compact development, with possible proffered conditions, to allow a single family dwelling subdivision. The property is located at **5201 Tango Lane**; identified as Tax Parcel Nos. 060-1 A, (Parcel No. 070690) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston/Lafayette Village Plan. See **TAB A** .
2. Ordinance Amending Chapter 10, Sections 10-24, 10-25, 10-26, 10-32.1, 10-35, and 10-41 – Residential Beekeeping
An Ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia by amending sections 10-24, 10-25, 10-26, 10-32.1, 10-35, and 10-41 respectively by allowing residential beekeeping as a permitted use under urban agriculture pursuant to certain restriction in the R-1 Residential, R-2 Residential, R-3 Residential, Traditional Neighborhood Development infill and PUD-Res Planned Unit Development districts and by amending section 10-61 definitions by adding a definition for residential beekeeping and by amending definition of animal unit to include two beehives. See **TAB B .**

The following public hearing was advertised pursuant to law in the “NEW RIVER VALLEY” Section of the Roanoke Times on September 13, 2015 and September 20, 2015:

3. Ordinance Amending Chapter 7, Entitled Offenses, by Creating Sections 7-85 through 7-91, Entitled Removal or Disposal of Trash, Cutting of Grass and Weeds
An Ordinance Amending Chapter 7 Entitled Offenses – Miscellaneous of the Code of the County of Montgomery, Virginia by Creating Article V, Entitled Removal or Disposal of Trash,

Cutting of Grass and Weeds, Sections 7-85 through 7-91, Making it Illegal to Accumulate Trash and Weeds in Excess of Twelve (12) Inches on any Parcel in Areas Zoned Residential, Business, Commercial or Industrial or in Areas Within the Boundaries of Platted Subdivisions. See TAB C .

The following public hearing was advertised pursuant to law in the “NEW RIVER VALLEY” Section of the Roanoke Times on September 20, 2015 and September 27, 2015:

4. Intent to Abandon old School Access Roads

Intent to abandon the following school access route roads that are no longer necessary because the school facilities served by the roads have been deemed surplus by the School Board and no longer need an internal school access road:

1. State Route 9262 (Ironto Head Start School Road), Mt. Tabor Magisterial District, Secondary Route 9262 from Route 647 to 0.20 miles north of Route 647 for a distance of .020 miles, serving former Ironto Head Start, serves no public necessity and is no longer necessary as part of the Secondary System of State Highways.
2. State Route 9263 (Shawsville Elementary School Road), Shawsville Magisterial District, Secondary Route 9263 from Route 11/460 to 0.38 miles west of Route 11-460 for a distance of 0.38 miles, serving former Shawsville Elementary School, serves no public necessity and is no longer necessary as part of the Secondary System of State Highways.
3. State Route 9265 (Elliston Elementary School Road), Shawsville Magisterial District, Secondary Route 9265 from Route 631 to 0.12 miles north of Route 631 for a distance of 0.12 miles, serving former Elliston Elementary School Road, serves no public necessity and is no longer necessary as part of the Secondary System of State Highways.
4. State Route 9547 (former Price’s Fork Elementary School Road), Price’s Fork Magisterial District, Secondary Route 9547 from Route 685 to 0.08 miles east of Route 685 for a distance of 0.08 miles, serving former Price’s Fork Elementary School, serves no public necessity and is no longer necessary as part of the Secondary System of State Highways.

5. State Route 9658 (Bethel Elementary School Road), Riner Magisterial District, Secondary Route 9658 from Route 177 to 0.07 miles north of Route 177 for a distance of 0.07 miles, serving former Bethel Elementary School, serves no public necessity and is no longer necessary as part of the Secondary System of State Highways.
6. State Route 9815 (Elliston Lafayette Elementary School Road), Shawsville Magisterial District, Secondary Route 9815 from Route 11/460 to 0.24 miles south of Route 11/460 for a distance of 0.24 miles, serving former Elliston Lafayette Elementary School, serves no public necessity and is no longer necessary as part of the Secondary System of State Highways.

See TAB **D** .

Action from Public Hearings

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Treasurer
 - a. Delinquent Real Estate Taxes, Bills in Equity Tax (TAB **F**)
 - b. Proration-Personal Property
2. Proration - Personal Property Tax

XII. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

1. Action Following Work Session

XIII. OLD BUSINESS

**A. SUBJECT: AGREEMENT – BOUNDARY LINE
ADJUSTMENT BETWEEN THE TOWN OF
CHRISTIANSBURG AND MONTGOMERY
COUNTY**

**R-FY-16-
RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF MONTGOMERY, VIRGINIA,
AFFIRMING A BOUNDARY LINE ADJUSTMENT AGREEMENT
BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA AND
THE TOWN OF CHRISTIANSBURG, VIRGINIA, AND
AUTHORIZING THE FILING OF A JOINT PETITION PURSUANT TO
SECTION 15.2-3106, ET SEQ., OF THE CODE OF VIRGINIA, 1950, AS AMENDED
TO APPROVE THE AGREEMENT**

WHEREAS, The County of Montgomery, Virginia and the Town of Christiansburg, Virginia have entered into negotiations regarding a voluntary change of the boundary line between them for the purpose of moving approximately 12.117 acres from the incorporated Town boundary into the unincorporated area of the County of Montgomery located on the Town's northeast boarder adjacent to Cinnabar Road and U.S. Route 460 Bypass shown more particularly on the plat entitled "Boundary Adjustment Survey for Montgomery County, situated in the Town of Christiansburg, Virginia" dated 19 Aug. 2015; and

WHEREAS, The moving of 12.117 acres from the incorporated Town boundary will not adversely affect the ability of the County or the Town to meet the needs of its residents, both within and without the Town corporate limits; and

WHEREAS, The proposed changes of the boundary line between the County and the Town will further the interest of the Commonwealth of Virginia in promoting the orderly growth and the continued viability of its local governments.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that:

1. The Board of Supervisors of the County of Montgomery, Virginia, hereby approves the Boundary Line Adjustment Agreement between the County of Montgomery and the Town of Christiansburg, (the "Agreement"), a copy of which is attached hereto and hereby authorizes and directs its Chair William H. Brown to execute the Agreement on behalf of the County.

2. The County Administrator and County Attorney are hereby directed to petition the Circuit Court of Montgomery County, Virginia, to affirm and validate the Agreement and to establish the new boundary line between the County and Town pursuant to Section 15.2-3106 et seq., of the Code of Virginia, 1950, as amended.

ISSUE/PURPOSE: Approve a Boundary Line Adjustment Agreement with the Town of Christiansburg.

JUSTIFICATION: A voluntary change in the boundary line for the purpose of moving approximately 12.117 acres from the incorporated Town boundary into the unincorporated area of the County of Montgomery located on the Town's northeast boarder adjacent to Cinnabar Road and U.S. Route 460 Bypass. See TAB G for a copy of the Boundary Line Adjustment Agreement and Plat.

XIV. NEW BUSINESS

A. SUBJECT: AMEND COUNTY'S FISCAL POLICIES

**R-FY-16-
RESOLUTION AMENDING THE
COUNTY'S FISCAL POLICIES**

WHEREAS, On March 27, 2000, the Board of Supervisors of Montgomery County, Virginia adopted a Fiscal Policy which includes Capital Improvement Policies, Debt Policies, Reserve Policies, and Investment Policies; and

WHEREAS, On September 14, 2015, the County's financial advisors presented updates to these policies in response to changing credit markets;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby adopts Fiscal Policies which includes Capital Improvement Policies, Debt Policies, Reserve Policies, and Investment Policies as attached.

ISSUE/PURPOSE: Amend the Fiscal Policies.

JUSTIFICATION: The County's Financial Advisor, Davenport and Company, periodically evaluates the County's Fiscal

Policy Guidelines to ensure they are current and appropriate. In response to changing credit markets, including changes in how credit rating agencies perform their reviews, Davenport recommends the County adopt the revised policies. See TAB H for a copy of the revisions.

**B. SUBJECT: ECONOMIC DEVELOPMENT AUTHORITY
2011 BOND REFINANCING**

R-FY-16-

**A RESOLUTION CONCURRING IN THE REFUNDING OF
CERTAIN OUTSTANDING INDEBTEDNESS OF THE ECONOMIC
DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY,
VIRGINIA, AND AUTHORIZING EXECUTION AND DELIVERY
OF RELATED FINANCING DOCUMENTS**

WHEREAS, The Economic Development Authority of Montgomery County, Virginia, formerly the Industrial Development Authority of Montgomery County, Virginia (the “Authority”), was created under and is authorized to exercise all the powers set forth in the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49, Code of Virginia, as amended (the “Act”), which include, among other things, the powers (a) to make loans in furtherance of the Act, (b) to finance or refinance facilities and lease facilities, (c) to issue its revenue bonds, notes and other obligations from time to time for such purposes and (d) to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations; and

WHEREAS, The Authority previously issued its \$9,385,000 Taxable Revenue Bond, Series 2011 (the “Series 2011 Bond”), pursuant to a Bond Purchase and Loan Agreement dated as of December 1, 2011 (the “2011 Loan Agreement”), between the Authority and Union Bank & Trust, as successor in interest to StellarOne Bank (the “Bank”); and

WHEREAS, The Authority used the proceeds of the Series 2011 Bond to refund the outstanding principal of its \$10,567,876 Taxable Revenue Bond, Series 2007, the proceeds of which had been used to refinance prior borrowings of the Authority undertaken to finance the construction, renovation and equipping of the Technology Manufacturing Building located on certain land in the County of Montgomery, Virginia (the “County”) (together with such land and any improvements located on such land, the “Project”); and

WHEREAS, The Series 2011 Bond is primarily secured by and payable from the revenues and profits received from the Project (the “Project Revenues”);

WHEREAS, The Series 2011 Bond is further secured by and payable from appropriations made by the County (the “Support Agreement Revenues”) pursuant to a Support Agreement dated as of December 1, 2011 (the “2011 Support Agreement”), between the County and the Authority, to enable the Authority to make any payments due under the Series 2011 Bond for which the Project Revenues are insufficient; and

WHEREAS, The Authority executed an Assignment of Rents and Leases dated as of December 1, 2011 (the “2011 Assignment”), assigning the Project Revenues and Support Agreement Revenues to the Bank to be applied to its payment obligations under the Series 2011 Bond and the 2011 Loan Agreement; and

WHEREAS, The Authority executed a Deed of Trust dated as of December 1, 2011 (the “2011 Deed” and, together with the 2011 Loan Agreement, the 2011 Support Agreement and the 2011 Assignment, the “2011 Documents”), for the benefit of the Bank, to further secure its payment obligations under the Series 2011 Bond and the 2011 Loan Agreement; and

WHEREAS, The Authority and the Bank entered into an Amendment to Bond dated as of January 1, 2015, to amend certain terms of the Series 2011 Bond; and

WHEREAS, The Authority previously issued its \$1,100,000 Promissory Note dated January 23, 2015 (the “2015 Note”), to the Bank of Floyd to finance certain capital improvements related to the Project and other facilities of the Authority; and

WHEREAS, The Authority desires to issue a taxable revenue refunding bond (as further described hereinafter, the “Series 2015 Bond”) to (a) refund the outstanding principal of its Series 2011 Bond (such refunded portion, the “Refunded Bond”), (b) refund the outstanding principal of the 2015 Note (such refunded portion, the “Refunded Note”) and (c) pay the costs of issuing the Series 2015 Bond and refunding the Refunded Bond and the Refunded Note (together, the “Refunded Obligations”); and

WHEREAS, The Authority desires to amend the 2011 Documents or to enter into substantially similar agreements (such amended 2011 Documents or any substantially similar agreements shall be collectively referred to as the “Amended Documents”) to effectuate the purposes and provide for the security of the Series 2015 Bond; and

WHEREAS, The plan of refinancing described below and presented to the Board of Supervisors of the County (the “Board of Supervisors”) would not create debt of the County for purposes of the Virginia Constitution, and the Board of Supervisors has determined that it is in the best interests the County to facilitate such plan of refinancing; and

WHEREAS, The County and the Authority have requested Davenport & Company LLC, as the County’s financial advisor (the “Financial Advisor”), to solicit bids from banking and other financial institutions for the purchase of the Series 2015 Bond; and

WHEREAS, The Authority has determined to award the Series 2015 Bond to the Bank pursuant to the terms of its proposal and within the parameters set forth below.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:

1. The following plan of refinancing is hereby approved. The Authority shall issue the Series 2015 Bond to refund the Refunded Obligations and to pay the related costs of issuance and refunding. The Authority shall sell the Series 2015 Bond to the Bank and agree to repay the same pursuant to the terms of an amended 2011 Loan Agreement or a substantially similar loan agreement (collectively, the “Amended Loan Agreement”). The County shall undertake, subject to appropriation by the Board of Supervisors, to provide for the payment of any amounts due under the Series 2015 Bond for which the Project Revenues are insufficient, pursuant to the terms of an amended 2011 Support Agreement or a substantially similar agreement (collectively, the “Amended Support Agreement”). The obligation of the Authority to make payments under the Series 2015 Bond and the Amended Loan Agreement shall be limited to the Project Revenues and the Support Agreement Revenues, if any are appropriated, all of which shall be assigned to the Bank pursuant to an amended 2011 Assignment or a substantially similar agreement. The Series 2015 Bond shall be further secured by an amended 2011 Deed or a substantially similar agreement. As an alternative to issuing a new Series 2015 Bond, the Authority may, at the request of the Bank, agree to effectuate the refunding of the Refunded Obligations and the payment of related costs by amending the terms of the existing Series 2011 Bond and modifying the loan amount and the repayment terms thereof. This plan of refinancing shall contain such additional requirements and provisions as the County Administrator (which term for purposes of this Resolution includes any Deputy County Administrator), in collaboration with the Authority, may approve and determine to be in the best interests of the County and the Authority.

2. Subject to the pricing parameters of the Series 2015 Bond or, in the alternative, the amended Series 2011 Bond provided for in the resolution adopted by the Authority on September 15, 2015, the Board of Supervisors hereby authorizes the County Administrator, in consultation with the Financial Advisor, to

collaborate with the Authority in setting the final terms of the Series 2015 Bond or the amended Series 2011 Bond, all as such officers determine to be in the best interests of the County and the Authority.

3. The Chair and Vice Chair of the Board of Supervisors and the County Administrator, any of whom may act, are hereby authorized and directed to approve, execute and deliver (a) any amendments to the 2011 Support Agreement or (b) a substantially similar agreement necessary to complete the plan of refinancing outlined in Section 1 above and not inconsistent with this Resolution, such officer's execution and delivery of such document to constitute conclusive evidence of his or her approval thereof.

4. The Chair and Vice Chair of the Board of Supervisors and the County Administrator, any of whom may act, are hereby authorized and directed to acknowledge and consent, as necessary, to the provisions of the Amended Documents and any other instruments executed by the Authority in connection with the issuance of the Series 2015 Bond, including designating and confirming the final provisions and other terms of the Series 2015 Bond.

5. Nothing in this Resolution, the Amended Documents or the Series 2015 Bond shall constitute a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums that are or may become payable under the Amended Support Agreement. All undertakings by the County and the Board of Supervisors under the Amended Support Agreement are subject to and dependent upon appropriations of funds by the Board of Supervisors, and the Board of Supervisors shall have no legally binding obligation under this Resolution or the Amended Support Agreement to make any such appropriation or the payments provided for in the Amended Support Agreement.

6. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make any payments due under the Series 2015 Bond for which the Project Revenues are insufficient, pursuant to the Amended Support Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Series 2015 Bond.

7. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

8. All other actions of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of refinancing, the issuance and sale of the Series 2015 Bond and the refunding of the Refunded Obligations are hereby approved and ratified.

9. All resolutions or parts of resolutions in conflict herewith are repealed.

10. This Resolution shall take effect immediately.

ISSUE/PURPOSE: Refund the EDA's 2011 Series Bond.

C. SUBJECT: **FIRE PREVENTION WEEK – “HEAR THE BEEP WHERE YOU SLEEP” OCTOBER 4-10, 2015**

**R-FY-16-
FIRE PREVENTION WEEK-“HEAR THE BEEP
WHERE YOU SLEEP” OCTOBER 4-10, 2015**

WHEREAS, Fire Prevention Week was established to commemorate the Great Chicago Fire of 1871 that tragically killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures, and burned more than 2,000 acres; and

WHEREAS, In 2013, U.S. fire departments responded to an estimated 369,500 home structure fires which caused 2,755 deaths, 12,200 civilian injuries, and \$7 billion in direct damage; and

WHEREAS, Half of home fire deaths result from fires reported between 11 p.m. and 7 a.m. when most people are asleep, and most of these home fire deaths happen from fires in homes with no smoke alarms or no working smoke alarms; and

WHEREAS, One quarter of home fire deaths were caused by fires that started in the bedroom; and

WHEREAS, Montgomery County first responders are dedicated to reducing the occurrence of home fires and home fire injuries, and encourage citizens to install smoke alarms in every sleeping room, outside each separate sleeping area and on every level of the home; and

WHEREAS, The *2015 Fire Prevention Week* theme “*Hear the Beep Where You Sleep*” effectively serves to remind us that we need working smoke alarms to give us the time to safely escape a burning building.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors does hereby proclaim **October 4-10, 2015** as **Fire Prevention Week** throughout Montgomery County, and urges all our citizens to test their smoke alarms at least every month, and to support the many public safety activities and efforts of Montgomery County Fire and Emergency Services during **Fire Prevention 2015**.

BE IT FURTHER RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia recognizes the 175 Volunteer members of the Blacksburg, Christiansburg, Elliston, Long Shop/McCoy, and Riner Volunteer Fire Departments.

ISSUE/PURPOSE: Proclaim October 4-10, 2015 as Fire Prevention Week.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

1. Legislative Priorities (TAB I)

XVII. BOARD MEMBERS' REPORT

1. Supervisor Gabriele
2. Supervisor Creed
3. Supervisor King
4. Supervisor Biggs
5. Supervisor Perkins
6. Supervisor Tuck
7. Supervisor Brown

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Tuesday, October 13, 2015
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Adjourned Meeting
Monday, October 26, 2015
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting